	Application No.	Applicant(s)
Office Action Summary	09/885,970	FOGELSON, BRUCE A.
	Examiner	Art Unit
	JEAN JANVIER	3688

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 September 2007*.
2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-58* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-58* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____ .
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____ .
4) ☒ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 09/18/2007 has been entered and a Non-Final

Office Action follows.

Response to Applicant's Arguments

In general, Applicant's arguments are moot in view of new grounds of rejection since the

arguments are based on the claims as currently amended.

DETAILED ACTION

Specification

Claim Status

Claims 1-58 are currently pending in the Application.

General Comments

Concerning claims 4 and 32, although the advertiser may **indicate whether the**

advertisement shall be **printed in a physical ad-book, however, as per the specification,**

where advertisement may be viewed from user terminals 2, 4, ad-books may not be printed

in physical form. In other words, even if advertiser may indicate that his ads may be printed in a

physical ad-book, the system is operable, however, to disable this function, especially since the

advertisements are primarily viewed online or over the Internet. Thus, this indication is not

necessary or useful since it cannot be enforced even if the advertiser wanted to have the

advertisement printed in a physical ad-book and since the ad-book cannot be printed in a

physical form (see paragraph [0036] and lines 13 and 14 of the specification).

Here, using the "ad book", having inserted therein ads placed by advertisers or

supporters, as a vehicle to raise funds on behalf of charities is a non-functional descriptive

material that does not impact the content of the ads per se and the manner in which the ads are

created and placed into the "ad book". The same "ad book" could be used to raise money for any

other project. In other words, the purpose or the specific use of the "ad book", having ads

inserted therein, does not immediately impact the functionality of the system.

Claim Objections

Claims 1, 28, 29 and 50 are objected to because of the following informalities:

Regarding claims 1, 29 and 50, "and wherein at least some of the "ads" or "messages""

should apparently be - - wherein the ad or message- -.

Throughout the claimed invention, "ad", "ad-book" should apparently be - -ad- - , - -ad-

book- -.

Appropriate corrections are required.

.   Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and
> distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 28, 29 and 50 (including their dependent claims) are rejected under 35 USC

112(2) as being indefinite for including the phrase "legally defined". It is rather unclear what

the metes and bounds of "legally defined" are.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-9, 12-15, 16-27, 28-37, 40-49 and 50-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rothstein, US PUB, 2002/0188532A1.

As per claims 1-9, 12-15, 16-27, 28-37, 40-49 and 50-58, Rothstein discloses an apparatus and method for advertising in electronic documents (ad books). According to one implementation, the method includes receiving an electronic book from a publisher (organization), receiving one or more electronic ads from one advertiser (supporter), inserting the electronic ads into the electronic book to create an enhanced electronic book (ad book) and sending the enhanced electronic book to a customer for viewing or reading the advertisements included in the ad book (See abstract; figs. 1-5; paragraph [0006]).

In general, publishers have begun to provide more substantial electronic documents, which are referred to herein as "electronic books." An example of an electronic book is a book that has been converted to electronic form for download and display. Electronic books have been developed for PDAs such as the Palm-Pilot and Windows CE devices. One supplier of such

books is Peanut Press (www.peanutpress.com). See paragraphs [0004] and [0002], [0003] and

[0005].

Rothstein discloses, in one embodiment, that the electronic ads are received from one or

more advertisers over a network. When an enhanced electronic ad book, containing electronic

ads associated with one advertiser, is sent to a customer via a hyperlink, a debit entry is created

in the advertiser's account. Subsequently, the advertiser is billed according to the entries in the

advertiser's account (charging the advertisers a fee for inserting the ads in the ad book and for

providing the ads via the ad book to the customer (providing the ad book to the user). See

paragraphs [0008], [0007] and [0009].

Rothstein further discloses, in another aspect, that the location within the electronic book

(ad book) for insertion of an ad is determined according to one or more keywords associated with

the electronic ad. The keywords can be supplied by the **advertiser that** provided the ad. Pages

within the electronic book can be scored according to the keywords and a suitable location is

selected according to the score. Further, the electronic ads are inserted within a structured

electronic document, such as a sound file or video file. See paragraphs [0010]-]0013].

Please consider the entire disclosure.

As per claims 1, 28, 29 and 50, although in Rothstein's, the "ad book", having one or

more ads crafted by advertisers or contributors and inserted therein, can be used for any purpose,

however, Rothstein does not expressly disclose that the contributor or advertiser uses a

preparation tool or software stored on a server to craft or create an ad that is to be inserted in the

ad book and that the organization (publisher) uses the "ad book", having inserted therein one or

more ads placed by advertisers or supporters, as a fund raising vehicle.

However, it is common practice in the art for an organization or a third party (merchant

or a clearinghouse) to raise funds on behalf of a non-profit or charitable organization using a

plurality of well-known methods (see the Burke's Patent cited in the conclusion section). For

example, "Street News" is a local newspaper published by an organization in New York City on

behalf of the Homeless. The organization solicits and receives ads from advertisers or supporters,

supporting the Homeless cause, and the advertisers' messages are placed or displayed in the

newspaper that is distributed and sold to the public at large and the advertisers or supported are

billed for placing their ads in the newspaper. The revenue collected from the sale of the

newspapers and advertising space to the advertisers is used, minus the overhead cost, to help

provide food, housing and so on to the NYC Homeless.

In addition, an organization or individual selling "Special" greeting cards to raise funds

for the needed solicits ads from advertisers or supporters willing to place ads for a fee in the

"Special" greeting cards before they are being printed and sold to the public or supporters,

wherein the revenue collected from the sale of the greeting cards and advertising space to the

advertisers is used, minus the overhead cost, to help the needed.

Moreover, church bulletins, containing information regarding church activities including

hymns, often have displayed thereon in the back portions announcements and advertisements on

behalf of local advertisers or supporters or contributors for an advertising fee and the revenues

raised through this process help cover the churches overhead cost. For instance, Holy Name

Church, located in New York City, often prints in the back of its French bulletins (ad books),

related to its French Mass or Service (particularly during Easter Sunday, New Year's Day

Service), a plurality of advertisements associated with local businesses or advertisers (displaying

a plurality of advertisements in a bulletin or in an ad book of a church member) and the revenues

collected from the advertisers or businesses (contributors or donors) for printing their

advertisements on the bulletins help cover the Church overhead cost. In turn, the advertisers can

claim the advertising fees as either business expenses or a deductible charitable contribution to

support the Church. It is also customary that the advertisers often prepare or craft the advertising

messages, related to the advertisements, and send them to a Church's Representative to be

printed in the bulletins (ad-books).

It is also common practice in the art to allow an advertiser or an agent working on behalf

of an advertiser to connect, over a network, to a server and download therefrom a tool or

software used to craft or create one or more advertisements. For instance, an advertiser or an

agent visits a web site or advertising medium connected to a computer network, such as the

Internet, and retrieves a tool or software stored on a web server coupled to the web site and

creates in real-time, using provided audio, video, etc, one or more advertisements to be stored on

the server database for later retrieval and display to visitors of the site. Cost information, related

to displaying the crafted advertisements to the visitors, is also provided to the advertiser or agent

during the course of creating the advertisements. Furthermore, it is customary in the art that an

advertiser may craft or create an ad that is to be displayed in a printed medium or publication,

such as a newspaper, magazine, et cetera, subsequent to receiving a quote or cost related to the

display of the ad in the print medium (See the Carney's references and cited therein).   .

Further, using the "ad book", having inserted therein ads placed by advertisers or supporters, as a vehicle to raise funds on behalf of charities is an "intended use" recitation. In other words, using the money collected from the advertisers for a particular purpose, such as a fundraising, is an "intended use" that does not impact the content of the ads per se and the manner in which the ads are created and placed into the "ad book". The same "ad book" could be used to raise money for any other project. In other words, the purpose or the specific use of the "ad book", having ads inserted therein, does not immediately impact the functionality of the system.

Finally, in limitation "wherein the ad or message in the ad-book or related publication contains laudatory statements about the legally defined not-for-profit organization", the specific content of the ad is a non-functional and non-descriptive material. In other words, the specific content of the ad is a matter of desires, which does not directly impact the functionality of the system.

"Official Notice"

Therefore, it would have been obvious to an ordinary skilled artisan, using or implementing the system of Rothstein at the time of the invention, to incorporate the above disclosure ("Official Notice") into the system of Rothstein so as to use the "electronic book" or "ad book" or publication as a vehicle to raise money or funds, by inserting therein a plurality of advertisements from a plurality of advertisers who are charged a fee for such a service, for any purpose including, but not limited to, raising funds on behalf of a charity or non-profit organizations, wherein the advertisers craft or create the advertising messages or advertisements

in real-time using a tool or software available on a server database coupled to the host or

distributor's web site, wherein an organization or non-profit organization (distributor) solicits ad

placements, into the publisher's electronic book (enhanced electronic book or ad book), (Street

News) newspaper, greeting cards, church bulletins, et cetera, from advertisers or supporters,

supporting the organization cause, and the advertisers' messages are placed or displayed in the

electronic "ad book" or physical "ad book" or publications (such as newspapers, greeting cards

and so on) distributed and/or sold to the public at large and the advertisers or supported are billed

for placing their ads in the "ad book" or publication and wherein the revenues collected from the

sale of advertising space, in the electronic book, (Street News) newspaper, church bulletins et

cetera, to the advertisers or supporters are used, minus the overhead cost, to financially help the

organization or to provide food, housing/shelter and so on to the Homeless, poor and the needy,

thereby allowing an advertiser or contributor to use a tool or software stored in an online server

or system database to create or prepare in real-time an ad that is to be inserted in an ad-book or

publication, while providing an easy means or vehicle used by an organization or charity to raise

needed funds, wherein the collected funds, minus the overhead cost, are used to continue to

provide the necessary and indispensable assistance to the poor and needy and while featuring the

company or publisher (and/or distributor) associated with the electronic "ad book" as a company

that cares for the poor, which in the end helps improve the company or publisher's image

through a good PR (Public Relations).

As per claims 10-11 and 38-39, although Rothstein silently or implicitly supports at least

the use of login names and passwords by at least the publishers and the advertisers to upload

electronic books and advertisements data respectively onto the web server 220 of fig. 2,

however, Rothstein does not explicitly disclose that the web server comprises **a firewall for**

maintaining security.

However, it is common practice in the art of computer technology to use or install a

firewall module (software) on a file server or local terminal to prevent unauthorized users from

accessing the server or terminal, thereby securing or protecting data stored on the server or

terminal.

"Official Notice".

Therefore, it would have been obvious to an ordinary skilled artisan, using or

implementing the system of Rothstein at the time of the invention, to incorporate the above

disclosure ("Official Notice") into the system of Rothstein so as to install a firewall module on

the web server 220 to thereby protect the data, such as advertisement data and electronic book

data, stored on the server by preventing unauthorized users from accessing the server, while

providing a greater layer of security at the server side, as would have understood an ordinary

skilled artisan.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

US2008/0022010 to Franklin discloses a system for establishing a dedicated Internet

connection between a user and a marketer. The connection is initiated by a customer

downloading a framework program for a viewer. Thereafter, as content is communicated to the

user, it is included with program code used with the framework program to enhance the

presentation capabilities of the viewer. More robust presentations are thus enabled over a one-to-one channel (See abstract).

US 2005/0209914 to Nguyen discloses a method and apparatus for providing enterprise event marketing and management automation. A website is provided that includes online tools for event marketing and management. A user in communication with the website is allowed to create and event page and a registration page associated with the event page, utilizing the online tools. The event page includes a link to the registration page. The event page is forwarded to a participant to enable the participant to establish communication with the registration page utilizing the link. The registration page is forwarded to the participant to be completed and returned in response to the communication and a confirmation is communicated the participant in response to receiving the registration page and response. Information received from the participant is communicated to the user in order to allow for further event organization and management (See abstract).

US 2002/0049816 to Costin discloses a fundraising system and method that allow users to raise money from friends and other entities over a distributed network, such as the Internet, is presented. The present invention provides online marketing applications for e-businesses by using the power of viral marketing to enable clients to attract new customers at a lower cost, and build brand loyalty. For example, the fundraising system of the present invention enables e-businesses to partner with causes, such as charitable, non-profit and community organizations, to host fundraising events online with interactive participation by all involved. For example, an e-mail networking component may enable fund-raisers to send out an infinite amount of requests

supporting the cause they care about. Thus, for every fund-raiser, the host e-business gets a new flow of visitors to their site (See abstract).

US 2002/0029179 to Gruber discloses a system and method for on-line, interactive fundraising over a wide-area network is provided. The method includes hosting an organization's website including a plurality of hyperlinked web pages, displaying one or more virtual plaque web pages honoring donors, providing one or more donation and payment option web pages, the options selectable by a donor, and modifying or otherwise updating virtual plaques on the virtual plaque web pages when a donation is made. The method further includes creating a personalized donation page for the donor. The method further includes e-mailing the virtual plaques or the links thereto to potential donors, thereby spreading the message regarding the cause and increasing the likelihood of contribution from additional donors. The method further includes editing and modifying the virtual plaque. The virtual plaque can be static or a scrolling plaque. The method additionally includes generating reports with information, such as total amount raised, number of donors, average amount of donations, deductions for tax purposes, etc (see abstract).

US PUB 2002/0162106 to Pickover discloses a system for choosing an advertisement based on the last media content monitored just before the break. Alternatively, the content of various past selections may be monitored and acted upon in selecting advertising content. In yet another embodiment the system may be proactive and accept input from the client. For example, if the user selects the "change channel" button on a remote TV control, the TV may ask, "Would you like to hear an ad on cars?" or "Press 1 for an ad on cars; press 2 for an ad on books."Each of the above choices would be facilitated by an intelligent agent as being part of the system. In the

absence of any other guidance, with or without the involvement of an intelligent agent, the

advertisement to be presented may be determined by the queuing sequence of advertisements in

the storage element (See abstract and [0010]).

USP 6, 112, 191 to Burke discloses an "open" POS network having a spending /saving

system consisting of registered subscribers/payors, who tender payments exceeding the balance

due or the transaction values during transactions at registered retailers' POS terminals, wherein

the differences or excess funds between the received payments and the transaction values or

retail prices are calculated or computed by the POS terminals or ECRs and deposited in an

internal payor's or consumer's account maintained by merchants or retailers MC, related to the

POS terminals, who in turn transfer the excess payments or collected differences to a single

clearinghouse computer CCC, for further processing, on behalf of an identified payor or

customer who identifies himself via a subscriber card swiped at the POS terminal or entering an

account code therein. Further, the system allows each subscriber or SP the ability to make

multiple deposits in various cross country locations at related and unrelated merchants' POS

terminals, wherein the subscriber or payor can contribute as little as **a penny** in a transaction in

24 hour period. The storing of the differences or excess payments corresponding to the payor

into the merchants' system databases or remote terminals can be conducted online or offline. At

the completion of a specified period (periodically or weekly or daily) or when a certain threshold

amount (like $50.00) is reached, the total off-line transaction file, associated with the identified

customer, stored in the merchant terminal internal databases is then batched online from each

individual merchant's local database to the clearinghouse central computer CCC, **which**

transmits the collected differences or pennies via an EFT system to a PC related to at least

one payor's selected provider account or PA, which can be banks, insurance companies, security firms, for deposits or savings and investments and the payor or the registered or enrolled customer can determine how to use the savings. **Moreover, the PA, such a bank, a security firm or any other investment firm, will manage the subscriber's or SP's account in accordance with the subscriber's instructions**. The POS terminals at the merchants transfer the subscribers' excess payments or the differences or change due to the clearinghouse central computer or CCC in real-time via communication link CS. The subscribers can specify or have full control over the amount of excess payments they want to contribute or deposit into their accounts at one or more PAs, such banks, security firms, insurance companies or other investment entities (See abstract; col. 2: 45 to col. 3: 14; col. 3: 14-30; col. 3: 31-35; col. 3: 49-64; col. 4: 46-62; col. 4: 63 to col. 5: 40; col. 9: 1-15).

Any inquiry concerning this communication from the Examiner should be directed to Jean D. Janvier, whose telephone number is (571) 272-6719. The aforementioned can normally be reached Monday-Thursday from 10:00AM to 6:00 PM EST. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Mr. Eric W. Stamber, can be reached at (571) 272- 6724.

Non-Official- 571-273-6719.

Official Draft : 571-273-8300

05/24/08

/J. J./

/Jean Janvier/

Primary Examiner, Art Unit 3688